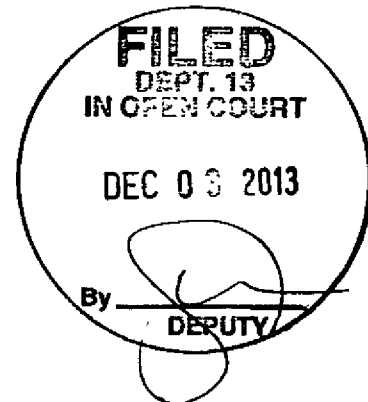


09-1-04990-6 41672768 ORDM 12-06-13



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

STATE OF WASHINGTON,
Plaintiff

Cause No: 09-1-04990-6

vs

**ORDER ON DEFENDANT'S MOTION TO
MODIFY JUDGMENT AND SENTENCE**

STEVENS, JON ANDREW,
Defendant

CLERK'S ACTION REQUIRED

THIS MATTER came before the undersigned judge of the above entitled court upon review of the defendant's motion(s) filed on September 30, 2013. After reviewing the defendant's written pleadings, the court now enters the following order pursuant to CrR 7.8(c)(2):

A. ☒ IT IS HEREBY ORDERED that this petition is transferred to the Court of Appeals, Division II, to be considered as a personal restraint petition. The petition is being transferred because.

☐ it appears to be time-barred under RCW 10.73.090;

☐ is not time-barred under RCW 10.73.090, but is untimely under CrR 7.8(a)

and therefore would be denied as an untimely motion in the trial court, or

☒ is not time barred but does not meet the criteria under CrR 7.8(c)(2) to allow

the court to retain jurisdiction for a decision on the merits

If box "A" above is checked, the Pierce County Superior Court Clerk shall forward a copy of this order as well as the defendant's pleadings identified above, to the Court of Appeals.

1 **B. [] IT IS HEREBY ORDERED** that this court will retain consideration of the motion
 2 because the following conditions have been met: 1) the petition is not barred by the one year
 3 time bar in RCW 10 73.090, and either:

4 [] the defendant has made a substantial showing that he or she is entitled to relief; or

5 [] the resolution of the motion will require a factual hearing

6 **IT IS FURTHERED ORDERED** that the defendant's motion shall be heard on its merits.

7 The State is directed to:

8 [] file a response by _____ After reviewing

9 the response, the Court will determine whether this case will be transferred to the

10 Court of Appeals, or if a hearing shall be scheduled

11 [] appear and show cause why the defendant's motion should not be granted. That

12 hearing shall be held on _____ at _____ a.m. / p.m.

13 [] As the defendant is in custody at the Department of Corrections, the State is further
 14 directed to arrange for defendant's transport for that hearing.

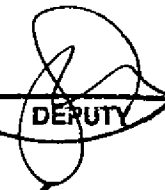
15 **If box "B" above is checked, the clerk is directed to send a copy of this Order to**
 16 **the Appellate Division of the Pierce County Prosecutor's Office.**

17 DATED this 3rd of December, 2013.

18 
 19 JUDGE KATHRYN NELSON

20 **FILED**
 21 **DEPT. 13**
 22 **IN OPEN COURT**

23 **DEC 03 2013**

24 By 
 25 **DEPUTY**

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7
8 **SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**

9 State of Washington

10 Plaintiff

December 11, 2013

11 vs.

No.: 09-1-04990-6

12 JON ANDREW STEVENS

Court of Appeals No.:

13 Defendant

14 CLERK'S PAPERS PER
15 REQUEST OF APPELLANT
TO THE
COURT OF APPEALS,
DIVISION II

16 **HONORABLE KATHRYN J. NELSON**

17 Trial Judge

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

State of Washington

Plaintiff

December 11, 2013

vs.

JON ANDREW STEVENS

Defendant

No.: 09-1-04990-6

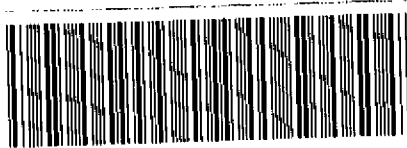
Court of Appeals No.:

CLERK'S PAPERS PER
REQUEST OF APPELLANT
TO THE
COURT OF APPEALS,
DIVISION II

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09-1-04990-6 41305103 NT 10-01-13

Superior Court of the State of Washington in and For Pierce County

FILED
IN COUNTY CLERK'S OFFICE

SEP 30 2013 P.M.

PIERCE COUNTY, WASHINGTON
KEVIN STOCK County Clerk
BY [Signature] DEPUTY

State of Washington)

VS.)

Motion for Order of Good Time Credits)

Jon Andrew Stevens)

Cause Number # 09-1-04990-6)

Comes now the defendant in the above entitled matter is requesting an order be granted for good time credits to be granted for time served in accordance to this cause number while in the custody of the Idaho Department of Corrections.

The defendant last appeared before this court for sentencing on March 12, 2012 for the above entitled cause number. On this date the defendant was credited with 348 days time served with the sentence to be served concurrently with the cause number in the State of Idaho. After completion of this sentence he was returned to the Pierce County Jail and a new warrant of commitment was issued to remand him to the Washington Department of Corrections. On May 1, 2013 he was credited with 763 days served.

The defendant believes that he hasn't received the proper amount of credits from not only the Pierce County Jail, but also from the Department of Corrections. After consulting with Department of Corrections officials he has found the root of the problem, however he has received no help in resolving this issue. Therefore an order is needed to compel the Department of Corrections to issues the Good Conduct Time credits that were earned by Mr. Stevens.

The problem is that the Department of Corrections and or the Pierce County Jail-Records Division refuses to grant Mr. Stevens good time credits for time served in the Custody of the Idaho Department of Corrections for the portion of the sentence that relates to this cause number.

In a letter from Wendy Stigall, Department of Corrections Records Manager, Dated August 30, 2013 she says "The Idaho Department of Corrections does not apply good time to their sentences and any concurrent time that was spent in their custody is under their earned time/good time laws." Mr. Stevens does not find this to be accurate.

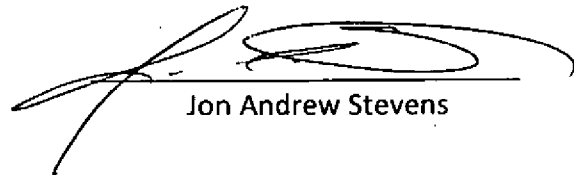
Motion For Order of Good Time Credits

The defendant does not believe that by imposing a concurrent sentence it was the intention of the court to not have him receive good time credit on the time of incarceration that was served on this cause number served in conjunction with the time in the State of Idaho, especially if he had earned it. If this motion is denied, even though Mr. Stevens qualify's for and has earned 1/3 off of his sentence for a total of 42 months to be served on a 63 month sentence, he would still be required to serve 51 months of the 63 month sentence.

It is the opinion of the Defendant that if the Good Conduct Time was earned by his good behavior then no matter where he served the time on this sentence then he should be duly rewarded for this.

The defended respectfully requests that this motion to order the Pierce County Jail Records Division or the Washington State Department of Corrections, which ever agency is appropriate, to recertify the amount of Good Conduct Time earned on 619 days, the amount of time served in the custody of The State of Idaho be granted in the interest of Justice.

~~September 25, 2013~~
Dated: October 1, 2013



Jon Andrew Stevens

Superior Court of the State of Washington in and For Pierce County

State of Washington

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)

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VS.

)

Order of Good Time Credits

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Jon Andrew Stevens

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Cause Number # 09-1-04990-6

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The Order of the Court is as follows:

The Pierce County Jail-Records Division and or the Washington Department of Corrections will re-calculate and re-certify the amount of Good Conduct Time credits earned by the Defendant, while in the custody of the Idaho Department of Corrections totaling 619 days for which he is entitled. Total should not be less than 206 days and should not exceed 309 days.

Honorable,

Dated: _____, 2013

Pierce County Superior Court Judge



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

P. O. Box 41132 • Olympia, Washington 98504-1132

August 30, 2013

Jon Stevens, DOC#822329
 Cedar Creek Corrections Center
 PO Box 37
 Littlerock, WA 98556-0037

Dear Mr. Stevens:

This is in response to your letter received in my office on August 28, 2013. You wrote requesting your jail credits be reviewed as you do not believe you are receiving the jail credits that your Judgment and Sentence for Pierce County CSE# 09-1-04990-6 orders.

I have reviewed your records. Jayne Olsen, Records Supervisor at the Washington Corrections Center in Shelton worked on your credits with Idaho DOC. Your Judgment and Sentence dated March 12, 2012 gave you credit for 348 days. You are currently getting 765 days of jail time and 73 days of jail good time. Idaho Department of Corrections does not apply good time to their sentences and any concurrent time that was spent in their custody is under their earned time/good time laws. Here is a breakdown of the credits that are being applied:

Facility	Dates	Jail/DOC Days	Good Time
Idaho DOC	03/30/11 to 11/04/11	219 days	0
Pierce County Jail	11/04/11 to 03/26/12	143 days	71
Idaho DOC	03/26/12 to 04/30/13	400 days	0
Pierce County Jail	04/30/13 to 05/03/13	3 days	2
Total Credits		765 days	73

Your sentence was also ordered to be served consecutively with your Federal sentence which was completed on 03/31/11 so no credits prior to that date were applied to this sentence.

I hope this addresses your concerns. If you have further records related questions, please contact your local records office.

Sincerely,

Wendy Stigall
 Statewide Correctional Records Manager

WS:dh

cc: Offender central file

PIERCE COUNTY SUPERIOR COURT

December 11, 2013 - 9:28 AM

Transmittal Letter

Document Uploaded: prp-STEVENSPRP.pdf

Case Name: STATE OF WASHINGTON VS. JON ANDREW STEVENS

County Cause Number: 09-1-04990-6

Court of Appeals Case Number:

✓ Personal Restraint Petition (PRP) Transfer Order

Notice of Appeal/Notice of Discretionary Review

(Check All Included Documents)

Judgment & Sentence/Order/Judgment

Signing Judge: _____

Motion To Seek Review at Public Expense

Order of Indigency

Filing Fee Paid - Invoice No: ____

Affidavit of Service

Clerk's Papers - Confidential Sealed

Supplemental Clerk's Papers

Exhibits - Confidential Sealed

Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Administrative Record - Pages: ____ Volumes: ____

Other: _____

Co-Defendant Information:

No Co-Defendant information was entered.

Comments:

No Comments were entered.

Sender Name: Emma J Gaddis